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## **Engineering Laws, Rules and Ethics for Florida Professional Engineers**

Course No: FL2-006  
Credit: 2 PDH

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# Chapter 1

## Overview of the Florida Laws and Rules

The practice of engineering in the State of Florida is ultimately regulated by the Florida Laws and Rules stipulated in the Florida Statutes, Chapters 455 and 471, as well as the Florida Administrative Code, 61G15.

### Florida Statutes (F.S.)

The Florida Statutes are a permanent collection of state laws organized by subject area into a code made up of titles, chapters, parts, and sections. The Florida Statutes are updated annually by laws that create, amend, or repeal statutory material.

The Florida Legislature found that it was necessary in the interest of public health and safety to regulate the practice of engineering in the State of Florida and thus created Chapter 471, F.S., "Engineering". Under this law the Florida Board of Professional Engineers is responsible for reviewing applications, administering examinations, licensing qualified applicants, and regulating the practice of engineering throughout the state.

While Chapter 471 is specific to the field of engineering, Chapter 455 is broader in nature and encompasses all business and professional regulations in general. As such, only pertinent sections of Chapter 455, F.S., apply to the engineering community.

### Florida Administrative Code (F.A.C.)

The Florida Administrative Code is a compilation of the rules and regulations of the Florida regulatory agencies. Its counterpart in the federal system is the *Code of Federal Regulations*. It is organized by titles with each title number representing a department, commission, board or other agency. The set has a single comprehensive index volume. The spines of the volumes indicate which titles are included.

The F.A.C. states the rule followed by statutory authority, implementation, and a history of the rule. The set is annotated with decisions of the Federal courts, State appellate courts, State Attorney General opinions, final and recommended orders of the Division of Administrative Hearings and final agency orders construing the rules Citations for the Florida Bar Journal and the law reviews of Florida State, the University of Florida, the University of Miami, as well as Stetson and Nova. At the end of each rule in the F.A.C., a history note is in the italicized text which begins with the words "Specific Authority". The history note indicates when the rule has been modified, renumbered, or repealed. The F.A.C. is updated each month.

#### **Study Question 1:**

*List the regulations that govern the practice of engineering in the State of Florida.*

Similarly, Section 61G15 of the F.A.C. pertains exclusively to the Florida Board of Professional Engineers and its functions with respect to the practice of engineering.

### **Florida Board of Professional Engineers (FBPE)**

The FBPE is the primary government body that regulates the practice of engineering within the State of Florida. The Board has authority to adopt rules pursuant to the provisions of Chapter 120.536(1) and 120.54 to implement provisions of Chapter 471, F.S., or Chapter 455, F.S., conferring duties upon it. The FBPE has the authority to issue the final order including the imposition of disciplinary penalties.

The Board consists of 11 members: nine licensed engineers and two laypersons who are not and have never been engineers or members of any closely related profession or occupation. A member of the Board who is a licensed engineer must be selected and appointed based on his or her qualifications to provide expertise and experience to the Board at all times in civil engineering, structural engineering, electrical or electronic engineering, mechanical engineering, or engineering education.

All 11 members are appointed by the Governor for terms of 4 years each. When the terms of members serving as of July 1, 2014, expire, the terms of their immediate successors shall be staggered so that three members are appointed for 2 years, four members are appointed for 3 years, and four members are appointed for 4 years, as determined by the Governor. Each member shall hold office until the expiration of his or her appointed term or until a successor has been appointed.

### **Florida Engineers Management Corporation (FEMC)**

The FEMC is a non-profit, single purpose corporation that operates through a contract with the Department of Business and Professional Regulation. The FEMC Board of Directors is composed of seven members. Five members are appointed by the Florida Board of Professional Engineers and must be Florida registrants. Two members are appointed by the Secretary of the Department of Business and Professional Regulation and must be laypersons not regulated by the Board.

#### ***Study Question 2:***

*Who is the FEMC and what are its functions?*

Administrative, investigative and prosecutorial services are provided to the Florida Board of Professional Engineers by the Florida Engineers Management Corporation under Section 471.038, F.S.

## Chapter 2

# Rules Affected in the F.A.C. 61G15 in the Preceding Biennium

The following rules have been amended, adopted or repealed from the Florida Administrative Code, 61G15 in the preceding biennium.

### Chapter 61G15-19 – GROUNDS FOR DISCIPLINARY PROCEEDINGS

#### 61G15-19.004 – Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

- (1) No change.
- (2)
  - (a) No change.
  - (b) Under first violation: removal of \$10,000 fine in case of fraud.
  - (c) through (e) No change.
  - (f) Under first, second and third violations: removal of \$10,000 fine in case of fraud.
  - (g)
    - 1. Under first, second and third violations: removal of \$10,000 fine in case of fraud.
    - 2.a. through 4.1. No change.
  - (h) through (m) No change.
  - (3) through (6) No change.

*Effective 08/22/2021:*

*Removed \$10,000 fine in cases of fraud for first, second, third and subsequent violations.*

### Chapter 61G15-20 – APPLICATION FOR LICENSURE, EDUCATION REQUIREMENTS, AND EXPERIENCE

#### 61G15-20.0011 – Structural Engineering Recognition Program for Professional Engineers

(1) Any professional engineer currently licensed in good standing in the state of Florida who desires Recognition as a Structural Engineer in Florida shall submit an online form to the Board. The form is located on the board's website at [www.FBPE.org/FBRSE](http://www.FBPE.org/FBRSE). The Board shall Recognize only those applicants who have completed the online form, including submission of required documentation, and who have demonstrated to the Board that they have:

- (a) Passed the NCEES Structural I and Structural II exams taken prior to January 1, 2011, OR
- (b) Passed an equivalent 16-hour state-written examination prior to January 1, 2004, OR

*Effective 08/21/2022:*

*Introduced a structural engineering recognition program for professional engineers.*

(c) Passed the NCEES Structural II exam plus an equivalent 8-hour state-written structural examination prior to January 1, 2011, OR

(d) Passed the NCEES 16-hour S.E. examination (vertical and lateral) taken after January 1, 2011, OR

(e) Held active license(s) or registration(s) (as applicable) in any US Jurisdiction and:

1. Has at least fifteen (15) years of experience working on significant structural engineering projects. For purposes of this paragraph, "significant structural engineering projects" is defined as the design of structural components and systems of any of the following:

a. Buildings over three stories.

b. Buildings with an occupancy greater than 250 persons.

c. Risk Category III or IV buildings, as defined by Table 1604.5 RISK CATEGORY OF BUILDINGS AND OTHER STRUCTURES in the current Florida Building Code in effect at the time of application or equivalent classification in another jurisdiction.

d. Vehicular Bridges.

2. The license(s) and/or registration(s) must have been awarded at least fifteen (15) years prior to the application date, and must remain valid continuously through the application process, and

3. The license and/or registration must not have been disciplined or otherwise acted against for a violation related to the field of structural engineering.

(2) Any Florida Licensed PE recognized by the Florida Board may be so indicated by using the designation "Florida Board Recognized Structural Engineer" or "FBRSE." A professional engineer who is recognized by the program may identify such recognition in her or his professional practice, including marketing and advertising materials.

(3) Recognition by the program is not required for a professional engineer to practice structural engineering.

(4) Upon submission of the online form, the Board will timely notify an applicant of any information that is required to complete the request. If an applicant fails to supply any requested information within one (1) year of notification, the request will be presented to the Board for review and decision on the request as submitted.

(5) No later than December 31, 2026, the Board shall review and consider amendment, modification, or repeal of this rule if review determines this rule creates barriers to entry for private business competition, is duplicative, outdated, obsolete, overly burdensome, or imposes excessive costs. Failure by the Board to act in accordance with this provision will result in the expiration of this rule on December 31, 2026.

***Study Question 3:***

*For purposes of 61G15-20.0011, what does "significant structural engineering projects" include?*

**Chapter 61G15-23 - SEALS**

**61G15-23.001 – Signature, Date and Seal Shall Be Affixed**

(1) through (3) No change.

(4)

(a) No change.

(b)

1. No change.

2.

***Effective 11/15/2021:***

*Added new language clarifying applicability of the codes and standards at the time of sealing.*

- a. through c. No change.
- d. Old d. removed; e. becomes d.
- (c) through (d) No change.

(5) No change.

(6) As detailed in Rule 61G15-30.003(1)(b), F.A.C., signed and sealed documents are presumed to comply with all applicable codes and standards in effect at the time of sealing. Unless the documents are amendments to documents previously signed and sealed by the engineer, and that fact is clearly noted at the time of submission, the licensee must affirmatively indicate on the documents any other edition of a code or standard, other than those currently in effect, with which the licensee intends the documents to comply.

## **Chapter 61G15-32 – RESPONSIBILITY RULES OF PROFESSIONAL ENGINEERS CONCERNING THE DESIGN OF FIRE PROTECTION SYSTEMS**

### **61G15-32.008 – Design of Fire Alarms, Signaling Systems, and Control Systems**

(1) through (2) No change.

(3) For Engineering Documents pertaining to Fire Protection Systems exempted by the threshold requirements for mandatory use of professional engineering services, the Engineer of Record shall determine the level of detail shown on plans for a Fire Protection system. All such plans shall include a disclaimer stating the Fire Protection system is exempt from professional engineering services and shall provide a clear understanding of the minimum system requirements expected to be installed by the contractor and permitted by the authority having jurisdiction (AHJ). In the event the Engineer of Record provides more information and direction than is minimally required, he or she shall be held responsible for the technical accuracy of the work in accordance with applicable codes, standards, and sound engineering principles.

*Effective 3/23/2022:*

*Revised language regarding engineering documents that are exempted from professional engineering services by the threshold requirements.*

(4) through (7) No change.

(8) No later than 90 days prior to December 31, 2026, the Board shall review and amend, modify, or sunset this rule if it determines this rule creates barriers to entry for private business competition, is duplicative, outdated, obsolete, overly burdensome, or imposes excessive costs. Failure by the Board to act in accordance with this provision will result in the expiration of this rule on December 31, 2026.

## **Chapter 61G15-33 – RESPONSIBILITY RULES OF PROFESSIONAL ENGINEERS CONCERNING THE DESIGN OF ELECTRICAL SYSTEMS**

### **61G15-33.003 – Design of Power Systems**

(1) No change.

(2) For Engineering Documents pertaining to Electrical Systems exempted by the threshold requirements for mandatory use of professional engineering services established by paragraph 471.003(2)(h), F.S., the Engineer of Record shall determine the level of detail shown on plans for an Electrical system.

*Effective 11/15/2021:*

*Revised language regarding engineering documents that are exempted from professional engineering services by the threshold requirements.*



All such plans shall include a disclaimer stating the Electrical systems are exempt from professional engineering services and shall provide a clear understanding of the minimum system requirements expected to be installed by the contractor and permitted by the authority having jurisdiction (AHJ). In the event the Engineer of Record provides more information and direction than its minimally required, he or she shall be held responsible for the technical accuracy of the work in accordance with applicable codes, standards, and sound engineering principles.

(3) Electrical Engineering Documents for power systems that exceed the threshold requirements for mandatory use of professional engineering services must include the following information, if applicable to the particular project:

(a) through (l) No change.

(4) No later than December 31, 2026, the Board shall review and consider amendment, modification, or repeal of this rule if review determines this rule creates barriers to entry for private business competition, is duplicative, outdated, obsolete, overly burdensome, or imposes excessive costs. Failure by the Board to act in accordance with this provision will result in the expiration of this rule on December 31, 2026.

## **Chapter 61G15-35 – RESPONSIBILITY RULES OF PROFESSIONAL ENGINEERS PROVIDING THRESHOLD BUILDING INSPECTION**

### **61G15-35.0021 – Definitions**

(1) through (5) No change.

(6) "All Structural Components" shall mean each structural element necessary to the complete load path of the structure.

(7) No later than 90 days prior to December 31, 2023, the Board shall review and amend, modify, or sunset this rule if it determines this rule creates barriers to entry for private business competition, is duplicative, outdated, obsolete, overly burdensome, or imposes excessive costs. Failure by the Board to act in accordance with this provision will result in the expiration of this rule on December 31, 2023.

*Effective 4/5/2022:*

*Revised language defining "all structural components".*

### **61G15-35.003 – Qualification Program for Special Inspectors of Threshold Buildings and Special Inspectors of Threshold Buildings (Limited)**

(a) No change.

(b) Licensed professional engineers whose principal practice is structural engineering shall also have three (3) years of experience in performing structural field inspections on all structural components involved in the new construction of Threshold Buildings or equivalent pursuant to a threshold/special inspection plan relevant to the work performed and two (2) years of experience in the structural design of all structural components of new threshold buildings. For the purpose of these criteria, structural design and/or inspection shall mean the design and/or inspection of all structural components of the building under construction and shall not be limited to specific structural components only, such as foundations, prestressed or post-tensioned concrete, etc.

*Effective 4/5/2022:*

*Revised language to clarify new versus existing buildings, experience, etc.*

(c) Licensed professional engineers whose principal practice is structural field inspections shall have five (5) years of experience in performing structural field inspections on the new construction of Threshold Buildings or equivalent pursuant to a threshold/special inspection plan relevant to the work performed and possess each of the certifications identified in paragraph 61G15-35.004(2)(f), F.A.C., at the time of application. In addition, the threshold/special inspection plan must be prepared by the Engineer of Record for the project.

(d) Design and/or inspection experience of restoration, repair or alteration of existing buildings is not creditable towards the design and inspection experience required for SI Certification.

(2)

(a) No change.

(b)

1. Proof of current licensure in good standing as a licensed professional engineer in the State of Florida whose principal practice is structural engineering.

1. through 2. renumbered to 2 through 3. No change.

(3)

(a) through (c) No change.

1. through 2. No change.

3. A list of new construction projects submitted for experience credit.

a.

(I) through (III) No change.

(IV) Whether the experience is claimed to be new construction or restoration/repair/alteration of existing threshold buildings.

b. Credible experience. The Board will only grant experience for work on new construction projects identified pursuant to sub-subparagraph (2)(c)3.a. For projects with overlapping time periods, the total amount of time claimed for all projects, including design and/or inspection activities, cannot exceed one hundred percent (100%) of the applicant's time during the period claimed. Experience is based on a forty (40) hour per week full time employment in engineering basis. No additional experience credit is allowed for overtime work in excess of 40 hours, nor is experience credit allowed during periods when the applicant was not employed full time in the practice of engineering (for example, construction management unrelated to design or inspection of the project).

c. No change.

4. through 6. No change.

(d) No change.

(a) through (c) No change.

1. through 3. No change.

(I) through (III) No change.

(IV) Whether the experience is claimed to be new construction or restoration/repair/alteration of existing threshold buildings.

b. through c. No change.

4. through 6. No change.

(5) through (6) No change.

(7) No later than 90 days prior to December 31, 2023, the Board shall review and amend, modify, or sunset this rule if it determines this rule creates barriers to entry for private business competition, is duplicative, outdated, obsolete, overly burdensome, or imposes excessive costs. Failure by the Board to act in accordance with this provision will result in the expiration of this rule on December 31, 2026.

***Study Question 4:***

*Credible experience will be granted by the Board for which type of projects?*

## Chapter 3

# Changes to F.S. Chapters 455 and 471 in the Preceding Biennium

The following sections of Chapter 455 and 471, F.S. were modified in the preceding biennium.

### **455.02 Licensure of Members of the Armed Forces in Good Standing and their Spouses or Surviving Spouses with Administrative Boards or Programs.**

(d) The department shall expedite all applications submitted by a spouse of an active duty member of the Armed Forces of the United States pursuant to this subsection and shall issue a license within 7 days after receipt of a complete application that includes all required documentation under subparagraphs (a)1.-4.

#### *Modified in 2022:*

*Added paragraph (d) regarding expediting applications submitted by spouses of active duty members.*

### **471.055 Structural Engineering Recognition Program for Professional Engineers**

(1) The board shall establish the Structural Engineering Recognition Program for Professional Engineers to recognize professional engineers who specialize in structural engineering and have gone above and beyond the required minimum professional engineer licensing standards. The board shall establish minimum requirements to receive recognition through the program. The board must recognize any licensed professional engineer who has successfully passed the National Council of Examiners for Engineering and Surveying Structural Engineering 16-hour PE Structural examination or any other examination approved by the board. In addition, the board may recognize any licensed professional engineer who specializes in structural engineering based on alternative criteria determined by the board.

#### *Modified in 2022:*

*Added new section 471.055 which establishes a recognition program for professional engineers upon application and approval.*

(2) Upon application to the board, a professional engineer who has the minimum program requirements shall be recognized as a professional engineer who has gone above and beyond in the field of structural engineering. The board may not collect a fee for such application or for recognition by the program.

(3) A professional engineer who is recognized by the program may identify such recognition in her or his professional practice, including in marketing and advertising materials.

(4) Recognition by the program is not required for a professional engineer to practice structural engineering.

(5) The board shall adopt rules to implement this section.

## Chapter 4

# Engineering Ethics and Principles of Professional Responsibility

### Engineering Ethics

Engineering ethics is (1) the study of moral issues and decisions confronting individuals and organizations involved in engineering and (2) the study of related questions about moral conduct, character, ideals and relationships of peoples and organizations involved in technological development (Martin and Schinzinger, *Ethics in Engineering*).

### Principles of Professional Responsibility

We, as Professional Engineers, are expected to take reasonable precautions and care in fulfilling our engineering duties and uphold the honor and integrity of our profession. To understand further what this means, let's review the following principles of professional responsibility:

- *You must hold the utmost safety, health, and welfare of the public when practicing your profession.*
- *You must perform services only in the areas of your competence.*
- *You may issue public statements in an objective and truthful manner.*
- *You must represent each employer or client as a faithful trustee and avoid conflicts of interest.*
- *You must build your professional reputation on the merit of your services and must not compete with others unfairly.*
- *You must respect the proprietary information and intellectual property rights of other engineers.*

Now, to understand further what these principles mean, let's review the ethical standards associated with each principle individually.

*How should you hold the utmost safety, health, and welfare of the public when practicing your profession?*

If your professional judgment is overruled such that the safety, health and welfare of the public are compromised, you must inform your client, employer, or both of the possible outcomes or consequences.

If you believe that another person is in violation of engineering ethics, you must:

- present such information to the proper authority in writing, and
- cooperate with the proper authority in furnishing such information or assistance as required.

You must strive to advance the safety, health, and well-being of your community.

You must understand that the safety, health and welfare of the public are reliant on your sound engineering applications and judgments integrated into buildings, structures, machines, products, processes and devices.

You may approve or seal design documents only when they are:

- reviewed by you,
- designed safely, and
- in conformance with accepted engineering standards.

*What does it mean to perform services only in the areas of your competence?*

You must not affix your signature or seal to any plan or document if:

- it does not comply with applicable technical standards, or
- it was not prepared under your supervisory guidance and control.

You may conduct engineering work only when qualified by your academic background and professional experience in the specific field of engineering you are involved with.

You must always continue to advance your professional development in your engineering field by:

- engaging in professional practice,
- participating in continuing education programs,
- reading technical literature, and
- attending professional seminars.

You may accept an assignment requiring education and experience outside of your field of competence, provided that each technical segment of this assignment is reviewed, signed and sealed only by the qualified engineers who were in responsible charge of their respective segments.

*Under what conditions you may issue public statements?*

When serving as an expert or technical witness, you may express an engineering opinion only if it is founded on:

- your adequate knowledge of the facts,
- your technical competence in the subject matter, and
- your honest belief in the accuracy of your testimony.

You must not issue any statements, criticisms, or arguments on technical matters which are inspired or paid for by interested parties, unless you preface your comments by:

- identifying the interested parties on whose behalf the statements are made, and
- disclosing any financial interest you may have in such matters.

You must strive to extend the public knowledge and appreciation of engineering and its achievements and must avoid the use of untrue or exaggerated statements pertaining to engineering.

You must be objective and truthful in all your professional reports, statements, or testimony, and must include all relevant information in such reports, statements, or testimony.

You must be honest in explaining your work and merit and must not promote your own interests at the expense of the integrity, dignity and honor of the profession.

**Study Question 5:**

*When serving as an expert or technical witness, under what conditions you may express an engineering opinion?*

*How should you represent each employer or client as a faithful trustee, and avoid conflicts of interest?*

You must avoid all known conflicts of interest with your employer or client and immediately inform your employer or client of any business relationship, interest, or other situations that could influence your judgment or quality of your services.

You must not accept payment or other types of compensation from more than one party for services pertaining to the same project, unless the conditions are fully revealed to, and agreed to by, all interested parties.

You must not accept employment outside of your regular work before notifying your employer.

You must not propose or receive gifts or gratuities from outside parties who have a business affiliation with your employer or client associated with professional work for which you are in responsible charge.

If you are a member, advisor, or employee of a governmental body, you must not participate in decisions or actions that involve services you or your organization provide in any type of engineering practice.

Based on your research and evaluation, you must advise your employer or client of your belief that a project will be unsuccessful.

You must not use confidential information provided to you while executing your assignment as a means of personal gain, if such action contradicts the interests of your employer, your client, or the public.

You must not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their product.

You must not solicit or accept an engineering contract from a governmental body or other entity on which a principal, officer, or employee of your organization serves as a member.

*How do you build your professional reputation on the merit of your services and not compete with others unfairly?*

You must not influence the award of a contract. You may bid and negotiate a contract for professional services impartially based on your proven competence and qualifications for the type of professional service being solicited.

You must not strive to gain employment or advance your professional career by falsely condemning other engineers, or by other improper means.

You must not falsify your educational background, or your professional experience or qualifications.

You must not offer or accept any gift, gratuity or unlawful valuable consideration to secure work, exclusive of securing salaried positions through employment agencies.

You must not request, propose, or accept a commission on a provisional basis if your professional judgment may be compromised.

**Study Question 6:**

*Under what conditions you may bid/negotiate a contract for professional services?*

You must not use another engineer's ideas or written materials without due credit and advance notification to such engineer. You must, whenever possible, name the person who may be responsible for his or her designs, inventions, writings, or other accomplishments.

You must not harm the professional reputation, prospects, practice or employment of another engineer.

You may prepare engineering articles to be published provided:

- they are within the context of your competency, and
- you do not claim credit for work performed by others.

**Study Question 7:**

*Under what conditions you may prepare engineering articles for publication purposes?*

*How should you handle proprietary information and intellectual property rights of other engineers?*

You must not promote or arrange for new employment or practice in connection with a specific project in which you have gained specialized knowledge without the consent of all interested parties.

You must not disclose confidential information concerning the business affairs or technical processes of any present or former employer or client without the approval of your employer or client.

If you are using designs supplied by your client, you must be aware that such designs remain the property of your client and may not be duplicated for others without your client's expressed permission.

Before undertaking work for others in which you may make improvements, plans, designs, inventions, or other records that may justify copyrights, patents, or proprietary rights, you must enter into a positive agreement regarding ownership.

You must be aware that your designs, data, records and notes referring exclusively to your employer's work are the property of your employer.



# Chapter 5

## Ethical and Disciplinary Case Studies

The following ethical and disciplinary case studies were randomly selected and extracted from the Board's website, under "Disciplinary Actions". These case studies depict the different scenarios of ethical violations of the Florida Laws and Rules along with their resulting Final Orders issued by the Board.

FEMC Case No: 2022016833  
FEMC Case No: 2022015513  
FEMC Case No: 2021038637  
FEMC Case No: 2021022251  
FEMC Case No: 2021056562

For each individual case study, the applicability of the violations to the Florida Laws and Rules is stated.

**FEMC CASE No's:**  
2022016833

**VIOLATION:**  
Sections 471.033(1)(a),  
471.033(1)(d), and  
455.227(1)(c), F.S.

### Case Review

Licensee was charged with violating Section 471.033(1)(a), Florida Statutes, failing to report to the Board a conviction, a guilty plea, or a nolo contendere plea to a crime in any jurisdiction; and with violating Sections 455.227(1)(c) and 471.033(1)(d), F.S., being convicted or found guilty of, or entering a plea of guilty or nolo contendere, to a crime in any jurisdiction that relates to the practice of, or the ability to practice, engineering. Licensee pled guilty in July 2021 to receiving unlawful benefits from a hotel operator while working as director of the City of Miami Beach Building Department.

### Board Ruling

The case was presented to the full Board upon a Settlement Stipulation. The Board ordered licensee to appear before the Board; and imposed a Reprimand on his license, a two-year Probation, an administrative fine of \$6,000, costs of \$74.10, and successful completion of the Board's Study Guide and an online ethics course. Final Order was filed Feb. 14, 2023.

### Applicability of the Violation to the Florida Laws and Rules

The Licensee was found in violation of Sections 471.033(1)(a), 471.033(1)(d), and 455.227(1)(c), Florida Statutes

### Study Question 8:

*Are you in violation of the FL Statutes if continuing education requirements are not met in a timely manner?*

\*\*\*\*\*

**FEMC CASE No's:**  
2022015513

**VIOLATION:**  
Section 471.033(1)(a), F.S.,  
and Rule 61G15-19.001(6)(s)

**Case Review**

Licensee was charged with violating Section 471.033(1)(a), Florida Statutes, and Rule 61G15-19.001(6)(s), Florida Administrative Code, renewing a Professional Engineer license without having completed all required continuing education on or before Feb. 28, 2021. The continuing education was not completed until March 27, 2022.

**Board Ruling**

The case was presented to the full Board upon a Settlement Stipulation. The Board imposed a Reprimand on his license, an administrative fine of \$1,000 and costs of \$64.35, successful completion of an online engineering professionalism and ethics course within 90 days, and successful completion of the Board's Study Guide within 30 days. Final Order was filed Feb. 27, 2023.

**Applicability of the Violation to the Florida Laws and Rules**

The Licensee was found in violation of Section 471.033(1)(a), F.S., and Rule 61G15-19.001(6)(s), Florida Administrative Code

\*\*\*\*\*

**FEMC CASE No's:**  
2021038637

**VIOLATION:**  
Section 471.033(1)(k), F.S.

**Case Review**

Licensee was charged with violating Section 471.033(1)(k), Florida Statutes; violating an order of the Board previously entered in a disciplinary hearing by continuing to sign and seal structural engineering documents after having her license restricted from performing structural engineering.

**Board Ruling**

The case was presented to the Board. The Board ordered licensee to appear before the Board; and imposed an administrative fine of \$1,000 and costs of \$608.65, successful completion of an advanced engineering professionalism and ethics course within one year, and successful completion of the Board's Study Guide within 30 days. Final Order was filed Oct. 20, 2022.

**Study Question 9:**  
*Are you in violation of FL Statutes if you continue to sign and seal engineering documents after having your license restricted?*

**Applicability of the Violation to the Florida Laws and Rules**

The Licensee was found in violation of Section 471.033(1)(k), F.S.

\*\*\*\*\*

**FEMC CASE No's:**  
2021022251

**VIOLATION:**  
Sections 471.033(1)(a) and  
471.033(1)(g), F.S.

**Case Review**

Licensee was charged with violating Section 471.033(1)(a), Florida Statutes, and Section 471.033(1)(g), F.S.; negligence in the practice of engineering. He signed, dated, and sealed a forensic engineering report for a commercial structure in Seffner, Fla., that was materially deficient.

**Board Ruling**

The case was presented to the Board. The Board imposed an administrative fine of \$1,000 and costs of \$1,608.65; an appearance before the Board; successful completion of a basic engineering professionalism and ethics course and he Board's Study Guide. Final Order was filed Aug. 18, 2022.

**Applicability of the Violation to the Florida Laws and Rules**

The Licensee was found in violation of Sections 471.033(1)(a) and 471.033(1)(g), F.S.

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**FEMC CASE No's:**  
2021056562

**VIOLATION:**  
Sections 471.033(1)(a) and  
471.033(1)(g), F.S.  
61G15-19.001(4)(a) and  
61G15-19.001(4)(b), Florida  
Administrative Code

**Case Review**

Licensee was charged with violating Section 471.033(1)(a), Florida Statutes, and Rule 61G15-19.001(6)(s), Florida Administrative Code; renewing his Professional Engineer license without having completed all required continuing education on or before Feb. 28, 2021. Except for the laws & rules course and the ethic course, no other continuing education has been completed.

**Board Ruling**

The case was presented to the full Board. The Board imposed an administrative fine of \$1,000 and costs of \$68.25; a Reprimand; a Suspension of his license; and successful completion of the Board's Study Guide and a Board-approved course in engineering ethics and professionalism. The Licensee must submit documentation for all CE requirements from the prior licensure renewal biennium, petition the Board in writing for termination of his suspension, and appear before the Board when his petition is considered. Final Order was filed June 27, 2022.

**Applicability of the Violation to the Florida Laws and Rules**

The Licensee was found in violation of Sections 471.033(1)(a) and 471.033(1)(g), F.S., 61G15-19.001(4)(a) and 61G15-19.001(4)(b), Florida Administrative Code

# Appendix A

## Answers to Study Questions

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### **Study Question 1:**

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#### **List the regulations that govern the practice of engineering in the State of Florida:**

The regulations governing the practice of engineering in the State of Florida are:

1. Florida Statutes, Chapter 455, Department of Business and Professional Regulation
2. Florida Statutes, Chapter 471, Engineering
3. Florida Administrative Code, 61G15, Florida Board of Professional Engineers

### **Study Question 2:**

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#### **Who is the FEMC and what are its functions?**

FEMC is a non-profit, single purpose corporation that operates through a contract with the Department of Business and Professional Regulation. FEMC provides the Florida Board of Professional Engineers with administrative, investigative and prosecutorial services.

### **Study Question 3:**

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#### **For purposes of 61G15-20.0011, what does “Significant Structural Engineering Projects” include?**

“Significant Structural Engineering Projects” is defined as the design of structural components and systems of any of the following: buildings three stories or greater, buildings with an occupancy greater than 250 persons, Risk Category III or IV buildings, and vehicular bridges.

### **Study Question 4:**

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#### **Credible experience will be granted by the Board for which type of projects?**

As stated in 61G15-35.003, the Board will only grant experience for work on new construction projects identified pursuant to sub-subparagraph (2)(c)3.a.

### **Study Question 5:**

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#### **When serving as an expert or technical witness, under what conditions you may express an engineering opinion?**

In such a case, you may express an engineering opinion only if it is founded on:

1. Your adequate knowledge of the facts,
2. Your technical competence in the subject matter, and

3. Your honest belief in the accuracy of your testimony.

**Study Question 6:**

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**Under what conditions you should bid a contract for professional services?**

You may bid and negotiate contracts for professional services impartially based on your proven competence and qualifications for the type of professional service being solicited.

**Study Question 7:**

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**Under what conditions you may prepare engineering articles to be published?**

You may prepare engineering articles for publication purposes provided:

1. They are within the context of your competency, and
2. They do not credit you for work performed by others.

**Study Question 8:**

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**Are you in violation of the FL Statutes if continuing education requirements are not met in a timely manner?**

Yes. As evident in FEMC Case no. 2022015513, the Licensee was charged for violating Section 471.033(1)(a), F.S., and Rule 61G15-19.001(6)(s), by not completing the required continuing education until a year after.

**Study Question 9:**

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**Are you in violation of FL Statutes if you continue to sign and seal engineering documents after having your license restricted?**

Yes. As evident in FEMC Case no. 2021038637, failure to comply with the terms of any order of the Board is a violation of Section 471.033(1)(k), Florida Statutes.

# Appendix B

## References

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Florida Administrative Code: 61G15 – Board of Professional Engineers (Updated January 18, 2023)  
<https://fbpe.org/download/38983/>

The 2023 Florida Statutes: Chapter 455 - Business and Professional Regulation: General Provisions  
[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0400-0499/0455/0455.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0455/0455.html)

The 2023 Florida Statutes: Chapter 471 - Engineering  
[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0400-0499/0471/0471ContentsIndex.html&StatuteYear=2022&Title=%2D%3E2022%2D%3EChapter%20471](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0471/0471ContentsIndex.html&StatuteYear=2022&Title=%2D%3E2022%2D%3EChapter%20471)

Florida Administrative Weekly – Section XIV: List of Rules Affected  
<https://www.flrules.org/notice/QuickSection14.asp?P0=All&P1=0>

Disciplinary Actions  
<https://fbpe.org/legal/disciplinary-actions/>

NSPE Code of Ethics  
<http://www.nspe.org/resources/ethics/code-ethics>

ASCE Code of Ethics  
<http://www.asce.org/code-of-ethics/>

ASME Code of Ethics  
<https://www.asme.org/wwwasmeorg/media/ResourceFiles/AboutASME/Get%20Involved/Advocacy/Policy-Publications/P-15-7-Ethics.pdf>

# Appendix C

## Course Inquiry Form

For any questions or comments about this course, please complete this form and submit it:

**To:** **Gilbert Gedeon (Course Author)**  
**By Fax:** **1-877-322-4774**  
**By Email:** [gilbert.gedeon@cedengineering.com](mailto:gilbert.gedeon@cedengineering.com)  
**By Mail:** **Continuing Education and Development, Inc.**  
**22 Stonewall Court**  
**Woodcliff Lake, NJ 07677**

**From:** \_\_\_\_\_  
**Phone No:** \_\_\_\_\_  
**Fax No:** \_\_\_\_\_  
**Email:** \_\_\_\_\_  
**Date:** \_\_\_\_\_

**Subject:** **Engineering Laws, Rules and Ethics for Florida Professional Engineers (FL2-006)**

**Inquiry:** \_\_\_\_\_  
\_\_\_\_\_

CED will respond to your inquiry within 48 business hours.  
If you wish to reach us phone for any urgent inquiry, please contact us at 1-877-322-5800.